

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	ORDER GRANTING MOTION TO DISMISS DEFENDANT’S INFORMATION
)	
v.)	
)	
Seth Jack Murphy,)	Case No.: 1:24-po-00015
)	
Defendants.)	

On August 26, 2024, Defendant was charged in an Information with two Petty Offense Class B Misdemeanors, namely (1) Constructing, Placing, or Maintaining a Fence on National Forest System Lands without a Special-Use Authorization, and (2) Damaging a Natural Feature or Property of the United States Forest Service. (Doc. No. 1).

On September 12, 2024, Defendant made his Initial Appearance and was Arraigned. (Doc. No. 7). The same day, the United States, counsel for Defendant, and the court signed a Pretrial Diversion Agreement. (Doc. No. 10). Pursuant to the agreement, Defendant agreed to pay restitution of \$20,000 and be placed on a six-month period of unsupervised probation.

On March 3, 2025, the United States filed a *Motion to Dismiss Defendant’s Information*. (Doc. No. 11). According to the United States, between September 12, 2024, and March 3, 2025, Defendant has abided by the terms of the pretrial diversion agreement and has submitted the \$20,000 restitution payment to the Clerk of Court. The United States now moves the court to dismiss the Information without prejudice pursuant to Federal Rule of Criminal Procedure 48(a).

Federal Rule of Criminal Procedure 48(a) provides that the United States may dismiss an Information, with leave of the court. The United States has advised Defendant paid his restitution in the amount of \$20,000 and abided by the terms of the pretrial diversion agreement. Accordingly,

the court is inclined to **GRANT** the United States' motion. (Doc. No. 11). The Information shall be dismissed without prejudice.

IT IS SO ORDERED.

Dated this 4th day of March, 2025.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court